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YOUNG LAW FIRM, P.C.
4370 ALPINE RD.
STE. 106
PORTOLA VALLEY, CA 94028

EXAMINER	
JARRETT, SCOTT L	

ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 09/867,333	**Applicant(s)** ROBSON ET AL.	
	Examiner Scott L. Jarrett	**Art Unit** 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2006*.

2a)☒ This action is **FINAL**. 2b)□ This action is non-final.

3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,15-32,34-49,51-67 and 69-72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)□ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,15-32,34-49,51-67 and 69-72* is/are rejected.

7)□ Claim(s) _____ is/are objected to.

8)□ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)□ The specification is objected to by the Examiner.

10)□ The drawing(s) filed on _____ is/are: a)□ accepted or b)□ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)□ All b)□ Some * c)□ None of:

1.□ Certified copies of the priority documents have been received.

2.□ Certified copies of the priority documents have been received in Application No. _____.

3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) □ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) □ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) □ Notice of Informal Patent Application

6) □ Other: _____.

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's remarks filed October 19, 2006. Currently claims 1-13, 15-32, 34-49, 51-67 and 69-72 are pending.

Response to Arguments

2. Applicant's arguments filed October 19, 2006 have been fully considered but they are not persuasive.

Specifically Applicant's argue that the prior art of record either singly or in combination fails to teach or suggest:

- defining and storing a change order wherein the change order defines/identifies the authorized steps to resolve the issue/change request (Remarks: Paragraph 2, Page 2; Paragraph 2, Page 3; Paragraph 2, Page 6); and
- integrating the issue, change request or change order into the hierarchy of tasks without changing the first/second dependencies (Remarks: Paragraph 1, Page 5).

In response to Applicant's argument that the prior art of record fails to teach or suggest defining and storing a change order wherein the change order defines/identifies the authorized steps to resolve the issue/change the examiner respectfully disagrees.

Continuus teaches a system and method for change management (change tracking software configuration management, etc.) and project management comprising identifying, defining and tracking change orders/requests which identify issues to be resolved ("Change tracking (also known as problem, defect or bug tracking) refers to a process of recording and tracking change requests, deciding which changes to make to a software system, who will make the changes, what are the tasks involved in the change, what objects are changed to complete the tasks, and the records describing the purposes and the results of the change.", Paragraph 1, Page 76), the steps to be taken to resolve the issue ("For example, a change request to add a new graphical dialog to a GUI might include a task for development work, a task for the documentation to be updated, and a task for the generation of a new test case.", Paragraph 4, Page 32; Paragraphs 2-3, Page 44; "The SCM system must support team process models that require specific procedures for making changes...The change tracking system needs to provide full traceability between the change requests, the tasks to implement the change request, and the physical files that were change in performing the tasks.", Paragraphs 5-7, Page 68; Last Paragraph, Page 77), Continuus tasks that are integrated (mapped and synchronized) into the project's work breakdown structure and schedule (Microsoft Project plan; Paragraphs 4-5, Page 19; Bullet 4, Page 20; "Continuus/PT gives you the ability to decompose a given change request into multiple tasks...You can assign those tasks to different developers and track them as a unit or by a number of attributes.", Paragraph 4, Page 32), reviewing and approving and/or rejecting the resolved change requests/orders (Bullets 1-2, Page 32; Paragraph 1, Page

32; “An engineering manager reviews the newly submitted change request, then creates a task in the Software Configuration Management (SCM) system and assigns it to a developer to fix. The developer checks out files, makes changes, tests and checks in the files containing the fix. Then the release manager builds the system containing the fixes into a new release package, and the software quality team verifies that the problem has been fixed. Once approved, the new software package is made available for dissemination to users…”, Last Paragraph, Page 55; Figure 10) and storing the change requests/orders, the identified steps to be taken to resolve the issue identified in the change requests/orders and a plurality of other related project/change information in several repositories and/or databases (Bullet 5, Page 20; Task Folder, Last Paragraph, Page 59; Paragraphs 5-7, Page 68; “A single repository which contains change request data, task data, project objects provides a very rich source of information for producing change reports, management metrics and release notes.”, Paragraph 2, Page 80).

Continnuus further teaches that the project and change management system and method includes a plurality of interdependent tasks, including at least project tasks and change request tasks (Continuus tasks), wherein the relationships/interdependencies between these tasks, change orders and project artifacts (code, documents, etc.) are tracked (“Tracking the relationship between a change request and the tasks the implement the change request is critical, both for traceability, and to allow users of the SCM system to speak in terms of change requests.”, Paragraph 5, Page 59; Paragraphs 3-5, Page 59).

Hurd teaches a system and method for managing project issues wherein issues that are to be addressed are identified and defined via a change request form (open issue, Figure 2, Element 202; Column 2, Lines 1-4, 14-17), assigned to a project team/team member for review/analysis, the steps to be taken to revolve the issue are proposed (proposed solution, Figure 2, Element 206; Figure 3, Element 306, "Proposed"; Column 2, Lines 7-11, 18-22, 33-36; Column 5, Lines 33-45), authorizing the resolution steps, when the solution is acceptable ("Is Solution Acceptable", Figure 2, Element 208, YES branch; Figure 3, Element 308, "Accepted"; Column 5, Lines 50-65; "In step 208, a determination is made as to whether the proposed solution is acceptable and resolves the issue."; Column 5, Lines 50-52; "If the proposed solution is not accepted, control returns to step 206 and an additional proposed solution is created and forwarded as described above.", Column 5, Lines 58-61), implementing the resolution steps and closing the issue (Figure 2, Element 212; Figure 3, Element 310; Column 6, Lines 12-29; "The void state 314 is used when a solution is never implemented for an issue.", Column 6, Lines 26-28 – i.e. issues/change requests in the closed state have been approved and implemented).

Hurd further teaches that the project management system and method for identifying, tracking and resolving change requests (open issues) stores a plurality of information related to the change management process in a database (Column 2, Lines 42-45, Column 4, Lines 20-25; Column 5, Lines 63-68).

In response to Applicant's argument that the prior art of record fails to teach or suggest integrating the issue, change request or change order into the hierarchy of tasks without changing the first/second dependencies the examiner respectfully disagrees.

Continuus teaches organization the plurality of project and change request (issue, change order, resolution steps/Continuus tasks, etc.) into at least two hierarchies including project task hierarchies (work breakdown structure, Microsoft Project plan; Pages 19-20) and data/file repositories (folders, directory trees; Pages 59-60) wherein the tasks integration (insertion, addition) into the hierarchies does not effect interdependencies between elements already in and/or integrated into the hierarchies.

Specifically Continuus teaches decomposing change requests/orders into a series of steps/tasks required to resolve the issue identified in the change order/request (Continuus tasks) wherein those tasks are integrated into and synchronized with existing hierarchies including the project's hierarchical project plan(s) (e.g. Microsoft Project tasks, schedule, WBS) wherein the interdependencies (links, associations, traceability) between the change request tasks (Continuus tasks, change request, unit) and the project tasks are maintained (remain unchanged) thereby enabling users to manage both the change request/order tasks (resolution steps) and the ongoing project tasks simultaneously (Page 19; Bullets 1-5, Page 20; "Continuus/PT gives you the ability to decompose a given change request into multiple tasks...You can assign those tasks to different developers and track them as a unit or by a number of attributes.", Paragraph 4, Page 32; Paragraph; Paragraph 7, Page 59) as well as enabling users to trace the resolution of issues from the change request to the resolution tasks/steps to the actually project artifacts impacted by the changes ("The SCM system must support team process models that require specific procedures for making changes…The change tracking system needs to provide full traceability between the change requests, the tasks to implement the change request, and the physical files that were change in performing the tasks.", Paragraphs 5-7, Page 68) wherein such management and traceability would be impossible if the interdependencies where not maintained.

If Continuus did not preserve the change request/order/tasks and project tasks hierarchies then there would be little to no value in integrating and/or synchronizing the change requests tasks and the overall project tasks since every time the tasks where integrated and/or synchronized the existing interdependency relationships (links, associations, etc.) would be destroyed, clearly making such an integration/synchronization counter productive.

Additional if integrating (i.e. adding) a change request/order/task to a project repository (e.g. task folder, directory tree) changed the interdependencies of the change orders/requests already present such a system would quickly become unwieldy as each new change request/task would require redefining each of the already defined interdependencies.

Further it is noted that the applicant did not challenge the officially noticed facts cited in the previous office action(s) therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention to store documents or other information in a database thereby providing a convenient mechanism for storing, searching or accessing documents.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-13, 15-32, 34-49, 61-67 and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Continuus Software's Continuus Change Management Suite as evidenced by at least Continuous.com Web Pages (October-November 2000) in view of Hurd II, U.S. Patent No. 6,222,535 and further in view of Primavera Project Planner – Planning and Control Guide Version 3.0 (1999).

Regarding Claims 1, 19, 37 and 55 Continuus teaches a change and project management system and method wherein "Change tracking (also known as problem, defect or bug tracking) refers to the process of recording and tracking change requests, deciding which changes to make to the software system, who will make the changes, what tasks are involved in the change, what objects were changed to complete the task, and the records describing the purpose and results of the change" (task-based change management; Paragraph 1, Page 76; Figure 12).

More specifically Continuus teaches a system and method for managing a project that includes a plurality of interdependent tasks organized in a hierarchy (work breakdown structure, WBS, project levels, drill-down, Microsoft Project integration, project tree/directory, project folders/directories; Bullet 1, Page 13; Paragraph 1, Page 3; Bullets 5-7, Page 20; Last Paragraph, Page 59; Figure 12) comprising:

- defining and storing a plurality of tasks, each having an associated status, in a database (repository) wherein the system/database is selectively and remotely accessible over a computer network (Bullet 5, Page 20; Paragraph 1, Page 24; Bullets 1-2, Page 25; Bullets 1,3-5, Page 27; Last Two Paragraphs, Page 32; Figure 1, Page 96);

- defining and storing a first dependency relationship (link, association, traceability, etc.) between each of the plurality of tasks to define the task hierarchy (linking multiple tasks to a single change request, associating change requests, work assignments and development objects, change sets; Paragraphs 2-3, Page 23; Last Two Paragraphs, Page 32; Paragraphs 3, 5, 7, Page 59; "Change Tracking", Page 68; Paragraph 1, Page 78; "Change requests are created and managed by the Change Tracking system. Tracking the relationship between a change request and the task(s) that implement the change request is critical, both for traceability, and to allow users of the SCM to speak in terms of change requests.", Paragraph 7, Page 59; Figure 12);

- defining, remotely (WebSynergy, Continuus/DCM), and storing one of an issue, and change request, the issue defining a problem (bug, defect, change, issue, error, etc.) within one of the tasks, the change request identifying at least one step to be taken pending authorization (approval, acceptance, etc.) to resolve the issue and authorizing the change request as well as the implemented authorized changes/resolution (Paragraphs 2-3, Page 23; "provides automated association of change requests to developer's work, so that only changes that have been approved are allowed", Paragraph 3, Page 24; "A change request may be decomposed into multiple tasks... For example a change request to add a new graphical dialog to a GUI might include a task for the development work, a task for the documentation to be updated and a task for the generation of a new automated test case", Last Paragraph, Page 77; Figure 12); and

- requiring the definition, remote, and storage in the database of at least one second dependency relationship (link, association, traceability, attachment, etc.) between the issue, change request *or* change order and the task such that the issue, change request *or* change order is integrated into the hierarchy of tasks (WebSynergy, Continuus/PT; distributed development support; Paragraph 1, Page 78; Figure 12; Last Paragraph, Page 79).

Continuus further teaches that the system and method for managing a project comprises at least one processor, at least one data storage device, a plurality of processes (threads, executions, objects, etc.) spawned by the at least one processor to perform the method steps/logic above as well as a computer readable medium containing instructions to perform the method steps/logic above (Paragraph 3, Page 34; Paragraph 2, Page 7).

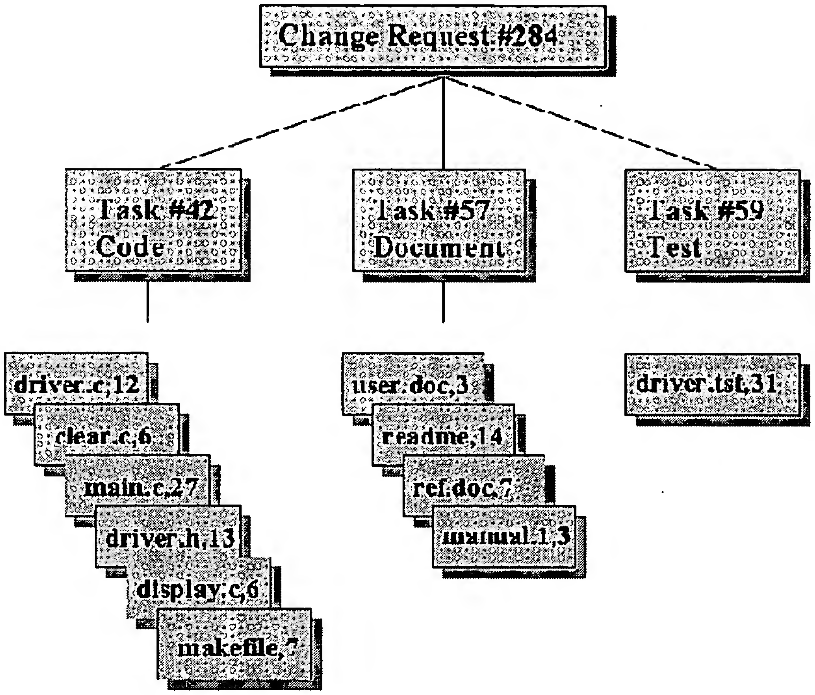


Figure 1: Continuus, Figure 12, Page 78

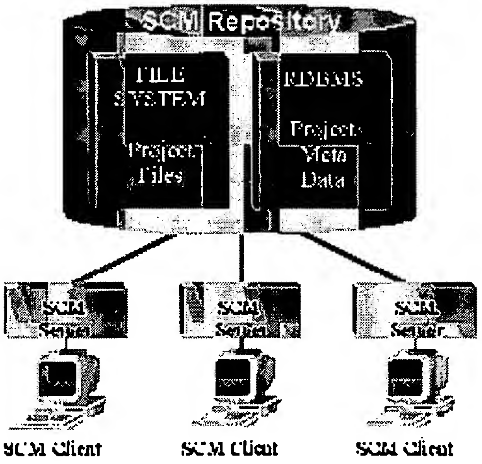


Figure 2: Continuus, Figure 1, Page 96

While Continuus teaches managing the complete lifecycle of changes from request to resolution via a task-based and workflow-enabled change management system (Bullet 7, Page 13) wherein change requests are routed via user-defined and/or templated workflows Continuus does not expressly teach defining and storing a *change order* wherein the change order defines/identifies the authorized steps to resolve the issue/change request as claimed.

Hurd teaches defining change requests (issues) and change orders (proposed solution) wherein the change requests/orders identify the proposed and authorized (accepted) steps (solution, process, resolution, etc.) for resolving an issue/change request in an analogous art of project issue management for the purposes of insuring the proposed solution/resolution is acceptable/satisfactory (Abstract; Column 1, Lines 50-68).

More generally Hurd teaches a method and system for tracking issues comprising: defining issues, assigning issues (responsible entities, assigned party, etc.) and tracking issue resolution/implementation (change request, solution proposal, solution approval/change order; Column 3, Lines 3-46; Figures 1-4). Hurd teaches that the issue tracking system further comprises:

- a change request identifying at least one step (task, process, method, etc.) to be taken pending the authorization (approval, acceptance, etc.) to resolve the issue (Column 3, Lines 3-46; Figures 1-4);

- a plurality of servers, clients, a database and a computer network (Internet; Column 1, Lines 63-68; Column 4, Lines 44-45);

- storing issues/change request and change orders in a database (Column 4, Lines 23-25);

- assigning issues change requests and orders to one of a plurality of statuses (states) including open, hold, assigned, proposed, accepted, closed and void (Figure 3); and

- ensuring only authorized users can access the system (Column 4, Lines 25-27; Column 5, Lines 30-33).

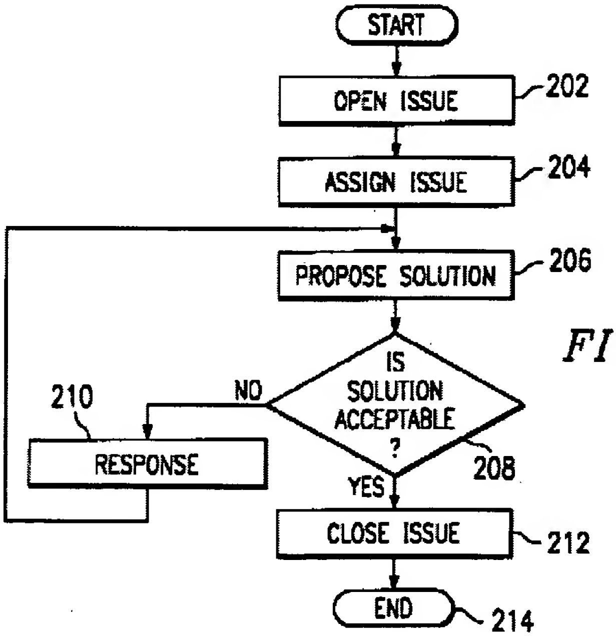


FIG. 2

Figure 3: Hurd, Figure 2

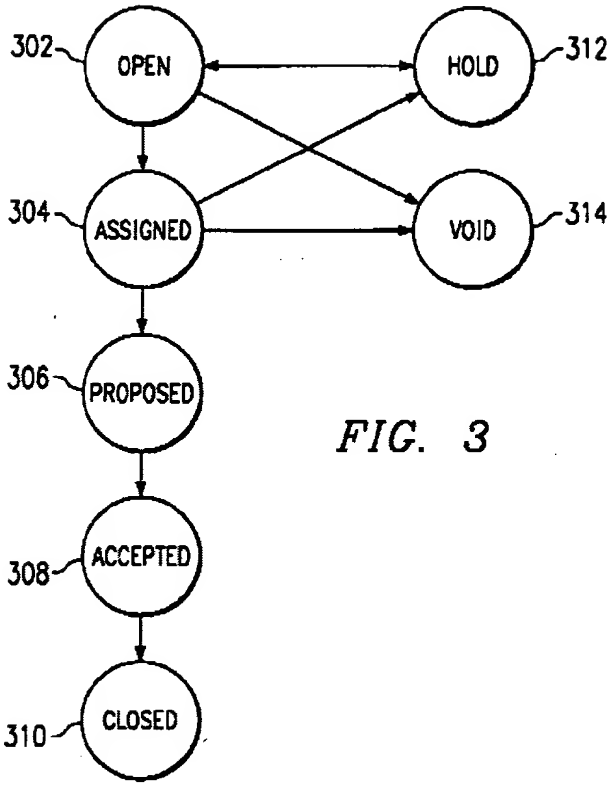


FIG. 3

Figure 4: Hurd, Figure 3

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing projects as taught by Continuus would have benefited from generating and approving change orders in view of the teachings of Hurd; the resultant system enabling users to ensure that the proposed solution/resolution to the change request/issue is acceptable/satisfactory (Hurd: Abstract).

Neither Continuus nor Hurd expressly teach integrating a issue, change request *or* change order is into the hierarchy of tasks *without changing the defined first dependency* as claimed.

Primavera teaches integrating project tasks into the project hierarchy without changing (removing, destroying, distributing, etc.) the existing plurality (first/second) of task relationships/dependencies (links, associations, etc.; adding/inserting activities between activities, auto linking activities, adding/removing activities in a chain of activities; Pages 62, 96, 144-145; Paragraph 1, Page 63; Figures 5-6 below) in an analogous art of project management for the purposes of enabling users to revise/update project schedules by adding/inserting, removing/dissolving, modifying or moving tasks into/out of the existing task hierarchy (schedule, work breakdown schedule, etc.) thereby accounting for changes in the project (Pages 144-145).

More generally Primavera teaches a project management system and method for defining, planning, monitoring, controlling and managing projects comprising a plurality of hierarchically (work breakdown structure, outline, levels, etc.; Pages 33, 75, 125-129, 219, 253-) organized and interdependent tasks, activities, processes, resources and the like remotely over a computer network comprising (Preface, Pages 4-7, 58-66, 179):

- defining and storing a plurality of tasks (activities, sub-tasks, etc.) having status information in a database (Page 8) that is selectively accessible (permission, security, access control, etc.; Pages 50-52) over a computer network (Pages 7, 58-63, 96, 198-199, 253-254);

- defining and storing two or more (several, plurality, first/second, etc.) dependency relationships (links, associations, “relationship line”, “trace logic”, “successor”, “predecessor”, WBS, etc.) between each of the plurality of tasks to define a hierarchy of tasks in a database (Pages 15, 53, 59, 64-66, 96, 199, 253-254) such that the defined tasks are integrated (linked, associated, etc.) into the plurality of other tasks in the project task hierarchy without changing the task dependencies (Page 4, Bullet 6);

- retrieving (accessing, viewing, etc.) and updating (editing, modifying) of task information (status, description, etc.) stored in a database remotely over a network (Pages 179-191);

- defining access rights for at least one of the plurality of project information (tasks, activities, etc.; Pages 50-52).

Primavera teaches a project management a method and system further wherein:

- each of the defined task (activity, etc.) includes a status and enables updating the status (Pages 181-186, 193-197);

- the status of the task (issue, activity, work item, etc.) is at least one of: not started, on track (ahead), complete, in trouble (behind), on hold (“suspend”) or cancelled (e.g. duration remaining, percent complete, “current progress bar”, “ahead of schedule”, “behind schedule”, etc.; Pages 174-175, 177, 184, 193-197);

- the issue (task, change, activity, event, problem, defect, bug, enhancement, support request, etc.) was previously unidentified at the time when the plurality of tasks were defined (“Few projects proceed exactly as planned. The scope of the project changes, some activities fall behind schedule or occur out of sequence, and resource requirements are revised.", Pages 134-136, 167-168 193-197).

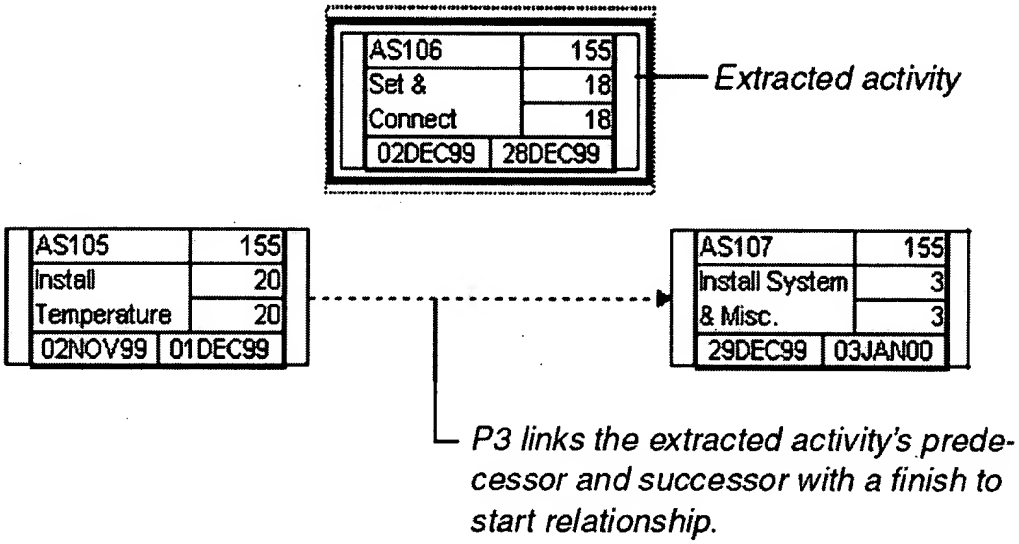
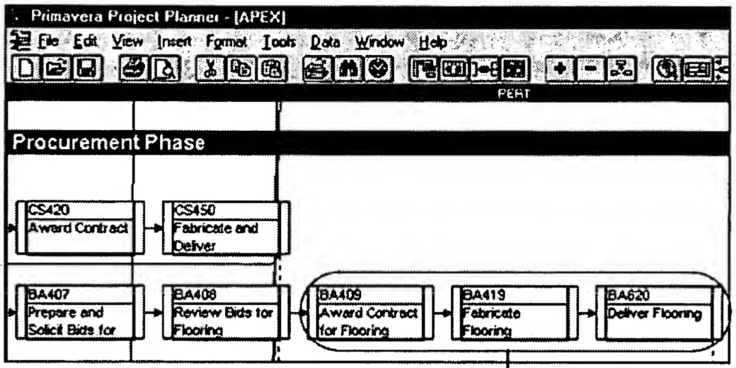
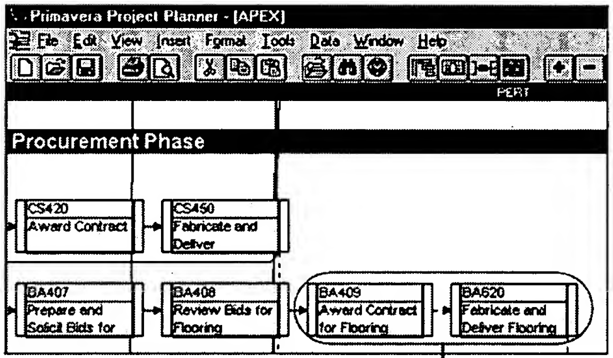


Figure 5: Figure, Page 144



This sequence of activities can be completed with only two activities. Dissolve activity BA419, then revise the activity description for BA620 to reflect both the Fabricate and Deliver tasks.


Primavera Project Planner - [APEX]
File Edit View Insert Format Tools Data Window Help
PERT
Procurement Phase
CS420
Award Contract
CS450
Fabricate and Deliver
BA407
Prepare and Solicit Bids for
BA408
Review Bids for Flooring
BA409
Award Contract for Flooring
BA620
Fabricate and Deliver Flooring

P3 automatically joins activity BA419's predecessor and successor with a finish to start relationship.

Figure 6: Figures, Page 145

It would have been obvious to one skilled in the art at the time of the invention that the project management system and method as taught by the combination of Continuus and Hurd would have benefited from enabling users to add, update and/or remove tasks into or out of the project hierarchy without changing the existing one or more task dependencies/relationships in view of the teachings of Primavera; the resultant system/method enabling users to revise/update project schedules by adding/inserting, removing/dissolving, modifying or moving tasks into/out of the existing task hierarchy (schedule, work breakdown schedule, etc.) to account for changes in the project (Primavera: Pages 144-145).

Regarding Claims 2, 20, 38 and 56 Continuus teaches a project management system and method further comprising defining access rights/permissions for *at least one of* the tasks, issues, change requests *or* change orders (Paragraph 1, Page 32; Paragraph 2, Bullet 3, Page 29; "Change Tracking", Page 68; "User and Roles", Page 74).

Regarding Claims 3, 9, 22, 28, 39, 45, 57 and 63 Continuus teaches a project management system and method wherein the access rights/permissions define a right to *at least one of*: remotely change the status *or* (first) dependency relationship of at least one of the plurality of tasks (WebSynergy, distributed, Internet, Continuus/PT; Paragraph 2, Bullet 3, Page 29; "Change Tracking", Page 68; "User and Roles", Page 74).

Regarding Claims 4, 23, 40 and 58 Continuous teaches a project and change management system and method further comprising the integration of Microsoft Project (ProjectSynergy; Pages 19-20) wherein the integration "allows managers to assign work, adjust work schedules, reassign resources and track development tasks in Continuus/CM efficiently and seamlessly from within the Microsoft Project Environment"

(Paragraph 1, Page 19) and "allows managers to view up-to-date activity related to individual Continuus tasks from within the project schedule" (Last Paragraph, Page 19).

Continuus does not expressly teach that the first/second dependencies comprise *at least one of* the following (selected from the group of): start-start, start-finish, finish-start and finish-finish as claimed.

Primavera teaches a project management system and method wherein the task dependency relationships are selected from at least one of the following: start-start, start-finish, finish-start or finish-finish (Pages 64, 100) in an analogous art of project management for the purposes of enabling users to model the different types of task dependency relations wherein the various dependency relationships effect the scheduling and managing of tasks in the project hierarchy (Paragraphs 1-2, Page 64).

It would have been obvious to one skilled in the art at the time of the invention that the project and change management system and method, with its integration with well known project management tools such as Microsoft Project (Pages 19-20), as taught by the combination of Continuus and Hurd would have benefited from utilizing a plurality of well-known dependency relationships including at least one of the following: start-start, start-finish, finish-start or finish-finish in view of the teachings of Primavera; the resultant system/method enabling users to model the different types of task dependency relationships and their different effects on the project schedule (Primavera: Paragraphs 1-2, Page 64).

Further regarding Claims 4, 23, 40 and 58 it is noted that the specific labels applied to the one or more task dependency relationships represent non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels applied to the dependency relationships. Further, the structural elements remain the same regardless of the labels applied to the dependency relationships. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.*

Regarding Claims 5, 24, 41 and 59 Continuus does not expressly teach that *at least one of the* dependency relationships (first/second) defines a *lag time* between the start and/or finish of at least two tasks (activities, work items, etc.) depending on the dependency relationship as claimed.

Primavera teach the well known definition and utilization of a *lag time* between the start and/or finish of at least two tasks (activities, work items, etc.), at least one of the dependency relationships, depending on the dependency relationship (Page 65, 83).

in an analogous art of project management for the purposes of enabling users to model the different types of task dependency relationships and the effects those links/associations have on the project schedule (Primavera: Paragraphs 1-2, Page 64) ; i.e. to control the dates when resources/activities start in relation to one another (Paragraph 1, Page 83).

It would have been obvious to one skilled in the art at the time of the invention that the project and change management system and method, with its integration with well known project management tools such as Microsoft Project, as taught by the combination of Continuus and Hurd would have benefited from utilizing a plurality of well-known dependency relationships wherein *at least one of the* dependency relationships (first/second) defines a lag time between the start and/or finish of at least two tasks (activities, work items, etc.) depending on the dependency relationship in view of the teachings of Primavera; the resultant system/method control the dates when resources/activities start in relation to one another (Primavera: Paragraph 1, Page 83).

Regarding Claims 6, 25, 42 and 60 Continuus teaches a project management system and method wherein the issue (task, change, activity, event, problem, defect, bug, enhancement, support request, etc.) was previously unidentified at the time when the plurality of tasks were defined (the definition of change management, bug, problem, issue tracking, etc.; if the issues where known ahead of time and/or planned for they would not require change requests, approval, etc.; Pages 5, 22-23; Paragraph 3, Page 44).

Regarding Claims 7, 26, 43 and 61 Continuus teaches a project management system and method further comprising enabling the updating, remotely, of the status associated with each of the issues and change requests (Continuus/PT, ChangeSynergy, Distributed Change Management; Microsoft Project Integration, Pages 19-20; Paragraph 3, Page 23).

Continuus does not expressly teach the definition of change orders, as discussed above, or subsequently the remote updating of a change order's status as claimed.

Hurd teaches defining change requests (issues) and change orders (proposed solution) wherein the change requests/orders identify the proposed and authorized (accepted) steps (solution, process, resolution, etc.) for resolving an issue/change request in an analogous art of project issue management for the purposes of insuring the proposed solution/resolution is acceptable/satisfactory (Abstract; Column 1, Lines 50-68).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing projects with its ability to enable users to remotely access the system/method and update a plurality of project/task/change information including but not limited to status updates as taught by Continuus would have benefited from generating, approving and updating the status of change orders in view of the teachings of Hurd; the resultant system enabling users to ensure that the proposed solution/resolution to the change request/issue is acceptable/satisfactory (Hurd: Abstract).

Regarding Claims 8, 27, 44 and 62 Continuus teaches a project management system and method wherein the status of the task (issue, activity, work item, etc.) is *at least one of* (selected from the group): not started, on track, complete, in trouble, on hold or cancelled (assignments, resolved, concluded; Bullets 1-3, Page 32).

Further regarding Claims 8, 27, 44 and 62 it is noted that the specific labels applied to the one or more task statuses represent non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels applied to the task statuses. Further, the structural elements remain the same regardless of the labels applied to the task statuses. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.*

Regarding Claims 10-11, 29, 46-47 and 64-65 Continuus teaches a project management system and method wherein the system/method further comprises (Bullet 1, Page 13; Paragraph 1, Page 3; Bullets 5-7, Page 20; Last Paragraph, Page 59; Figure 12): a project directory tree, change/task/project folders and directories (Windows file explorer), project/change/task drilldown (Last Paragraph, Page 32) integration with Microsoft Project for schedule/tasks management (Microsoft Project being well known to graphically represent project/task hierarchies), graphically displaying project data (Bullet 5, Page 25) as well as enabling users to remotely access the project and change management system via the Internet, as discussed above.

Continuus does not expressly teach maintaining a graphic representation of the hierarchy comprising: a plurality of tasks or select tasks; first/second relationships; and at least one of the defined issue, change request and change order as claimed.

Primavera teaches maintaining a graphical representation of the task hierarchy selectively accessible remotely via a network comprising (PERT, Network Chart, WBS; Pages 15, 27, 62, 193-197): a plurality of tasks or selected plurality of tasks (Pages 15-16, 29); two or more dependency relationships (Pages 64-66) and accessible via a web browser (179-191) in an analogous art of project management for the purposes of enabling users to organize/structure project data (Paragraph 1, Page 16).

It would have been obvious to one skilled in the art at the time of the invention that the project management system and method as taught by the combination of Continuus and Hurd would have benefited from graphically displaying the project task hierarchy via a web browser in view of the teachings of Primavera; the resultant system/method enabling users to organize/structure project data (Primavera: Paragraph 1, Page 16).

Regarding Claims 12, 31, 48 and 66 Continuus teaches a project management system and method further comprising defining and storing, in the database, an identity of at least one entity (user, organization, group, project, etc.) allowed to access *and/or* having responsibility for each of the tasks, issues, change requests *or* change order (Paragraph 2, Bullet 3, Page 29; Paragraph 2, Page 55; “Change Tracking”, Page 68; “User and Roles”, Page 74).

Regarding Claims 13, 30, 32, 49 and 67 Continuous teach a project management system and method wherein the entity is *at least one of* the following: project team, project member, subcontractor or vendor (resources, resource group/type/name; Paragraph 2, Page 54; “User and Roles”, Page 74; Bullets 1-6, Page 77).

Further regarding Claims 13, 30, 32, 49 and 67 it is noted that the specific labels applied to the at least one entity represent non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific labels applied to the entity. Further, the structural elements remain the same regardless of the labels applied to the entity. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.*

Regarding Claim 15, 34, 51 and 69 Continuus teaches a project management system and method wherein the network crosses business enterprises (Internet; Bullet 1, Page 6).

Regarding Claims 16, 35, 52 and 70 Continuus teaches a project management system and method comprising: graphically representing hierarchical tasks (folders, directories, Microsoft Project integration, project tree/directory, etc.) wherein the users are able to drill-down into the task/change/issue hierarchy (Last Paragraph, Page 32; Last Paragraph, Page 59; Paragraph 1, Page 60).

Continuus does not expressly a graphical hierarchical representation further comprises a *selectively expandable* hierarchical tree that shows the tasks/selected tasks, first/second dependency relationships and at least one issue, change request and change order.

Primavera teaches a graphical representation of the task hierarchy (outline, work breakdown structure, PERT, etc.) comprises a selectively expandable tree that shows (displays, presents, etc.; Page 125) a plurality of tasks or plurality of selected tasks and two or more dependency relationships (Pages 15, 27, 125) in an analogous art of project management for the purposes of enabling users to organize/structure project data (Paragraph 1, Page 16).

It would have been obvious to one skilled in the art at the time of the invention that the project management system and method as taught by the combination of Continuus and Hurd would have benefited from graphically displaying the project task hierarchy and enabling users to a selectively expandable tree in view of the teachings of Primavera; the resultant system/method enabling users to organize/structure project data (Primavera: Paragraph 1, Page 16) and/or navigation/explore the projects structure (Continuus: Last Paragraph, Page 59; Paragraph 1, Page 60).

Regarding Claims 17, 53 and 71 Continuus teaches a project management system and method further comprising the prompting for the definition, remote, of one of the issue, change request and second dependency relationship when the status of the task is updated (Paragraph 4, Page 57; Paragraphs 1-2, Page 79).

Continuus does not expressly teach change order or subsequently prompting for the remote definition of a change order when the status of a task is update as claimed.

Hurd teaches defining change requests (issues) and change orders (proposed solution) wherein the change requests/orders identify the proposed and authorized (accepted) steps (solution, process, resolution, etc.) for resolving an issue/change request in an analogous art of project issue management for the purposes of insuring the proposed solution/resolution is acceptable/satisfactory (Abstract; Column 1, Lines 50-68).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing projects as taught by Continuus would have benefited from generating and approving change orders as well as prompting the user to define a change order in view of the teachings of Hurd; the resultant system enabling users to ensure that the proposed solution/resolution to the change request/issue is acceptable/satisfactory (Hurd: Abstract) as well as to ensure that the system/method tracks/traces the plurality of project changes (Continuus: Paragraph 1, Page 79).

Regarding Claims 18, 36, 54 and 72 Continuus teaches a project management system and method further comprising at least one document (file, object) to be associated (linked, embedded) with at lease one of the plurality of tasks (attachments; Bullet 4, Page 27).

Regarding Claim 21 Continuus teaches a project management system and method wherein selectively accessing selected tasks, status or (first) dependency relationship depends upon the assigned permission (Paragraph 1, Page 32; Paragraph 2, Bullet 3, Page 29; “Change Tracking”, Page 68; “User and Roles”, Page 74).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Gandel et al., U.S. Patent No. 6,167,568, teach a system and method for managing engineering change orders comprising identifying, defining, approving/authorizing, implement and tracking change orders.

- Gendler, Joseph, WO 01/33477, teach a project management system and method comprising the identification, tracking and approval (authorization) of change orders.

- McCally, Bob, Change-Order Management (1997), teaches the well known utilization of change order management processes and systems as part of project management comprising identifying, defining, tracking, authorizing and resolving change orders wherein change orders identify at least one step to be taken to resolve the issues included in the change order when the change request is authorized (work authorization).

- Kumar, Ashish, Managing Changes in Large Programs (2000), teaches the utilization of change management systems and methods for project management wherein change management systems include the identification, definition, tracking, authorization (approval) and resolution of change orders/change requests (Figures 3-5) wherein change orders identify at least one step to be taken to resolve the issues included in the change order when the change request is authorized ("The proposed change management system is based on identifying issues. There is a progression from issue identification when a change is initiated to an approved change").

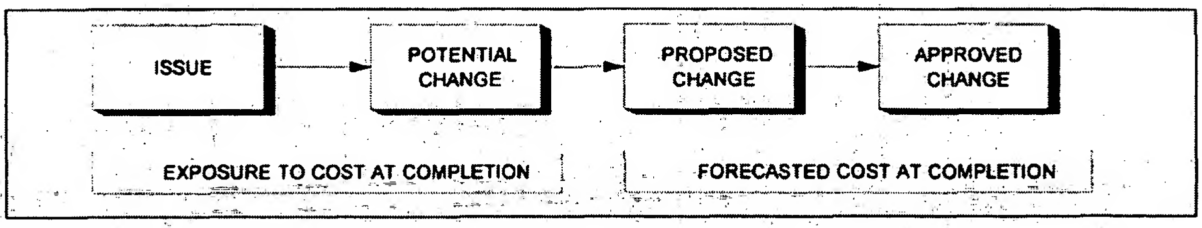
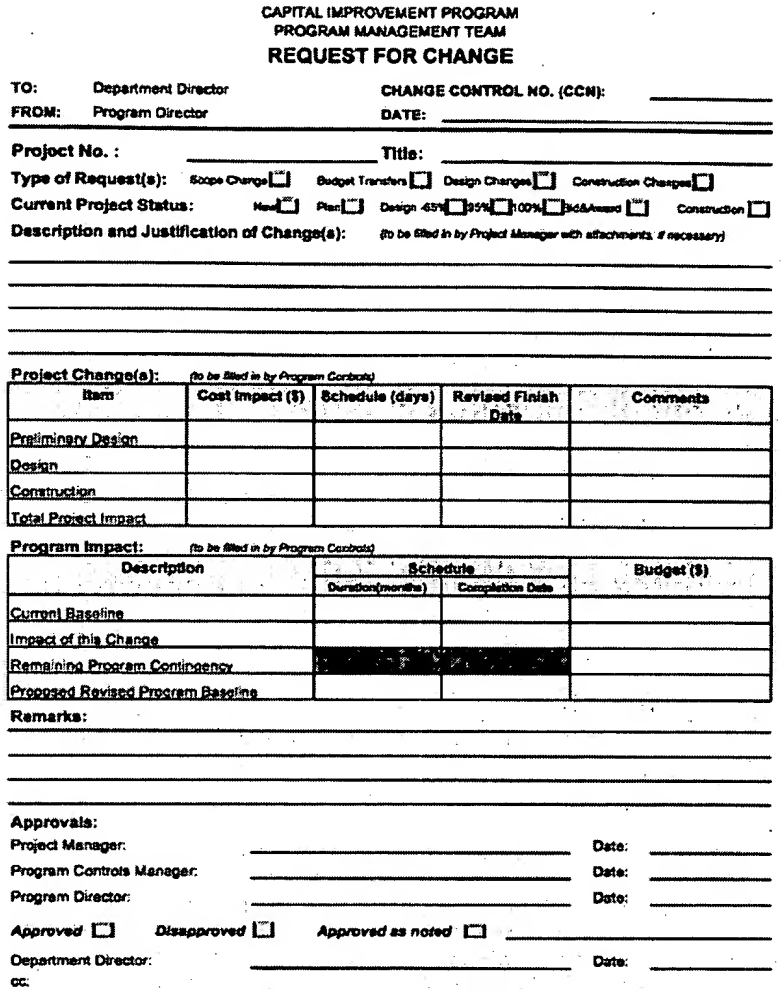


Figure 3—Progression of an Issue to Change



CAPITAL IMPROVEMENT PROGRAM
PROGRAM MANAGEMENT TEAM

REQUEST FOR CHANGE

TO: Department Director
FROM: Program Director

CHANGE CONTROL NO. (CCN): ____________
DATE: ____________

Project No. : ____________ Title: ____________

Type of Request(s): Scope Change □ Budget Transfers □ Design Changes □ Construction Changes □

Current Project Status: New □ Plan □ Design 45% □ 95% □ 100% □ Bid&Award □ Construction □

Description and Justification of Change(s): *(to be filled in by Project Manager with attachments, if necessary)*

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Project Change(s): *(to be filled in by Program Controls)*

Item	Cost Impact ($)	Schedule (days)	Revised Finish Date	Comments
Preliminary Design				
Design				
Construction				
Total Project Impact				

Program Impact: *(to be filled in by Program Controls)*

Description	Schedule		Budget ($)
	Duration(months)	Completion Date	
Current Baseline			
Impact of this Change			
Remaining Program Contingency			
Proposed Revised Program Baseline			

Remarks:

____

____

____

____

Approvals:

Project Manager: ____________ Date: ____________

Program Controls Manager: ____________ Date: ____________

Program Director: ____________ Date: ____________

Approved □ *Disapproved* □ *Approved as noted* □ ____________

Department Director: ____________ Date: ____________

cc:

Figure 5—Request for Change Form

- Douglas, Edward, Project Trends and Change Control (2000) teaches the well known utilization of change management and work authorization systems/methods in managing projects.

- A Guide to the Project Management Book of Knowledge (1996), teaches a plurality of well known and widely practice project management methods/elements including but not limited to change management and work authorizations (Figures 4-1, 5-1, 6-1; Pages 44, 57, 71, 79).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SJ
11/10/2006

Romain Jeanty
Primary Examiner
Art Unit 3623